

ORIGINAL

LAURIE ORTOLANO

V.

CITY OF NASHUA

Docket No. 1:22-CV-00236-LM

KIMBERLY KLEINER

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<p style="text-align: right;">61</p> <p>1 Q Okay. At some point did the attitude of the</p> <p>2 people in assessing both administrative staff</p> <p>3 and Assessors change with respect to Ms.</p> <p>4 Ortolano?</p> <p>5 MS. FEENEY: I'll object to your form. You</p> <p>6 may answer.</p> <p>7 A I'm not sure I understand the question.</p> <p>8 Q Okay. I'll rephrase.</p> <p>9 Originally, admin staff in Assessing and</p> <p>10 the Assessors would have outreach to Ms.</p> <p>11 Ortolano. They respond to her questions. At</p> <p>12 some point did that relationship sour because of</p> <p>13 the excessive requests by Ms. Ortolano as</p> <p>14 reflected in that newspaper article?</p> <p>15 MS. FEENEY: I'm going to object to your</p> <p>16 form, and tell the witness she may answer.</p> <p>17 A So I don't think I can certainly speak for the</p> <p>18 individuals themselves, but there was a</p> <p>19 significant amount of frustration on staff being</p> <p>20 overwhelmed with the amount of work in front of</p> <p>21 them, and that was apparent to me.</p> <p>22 Q What was your attitude?</p> <p>23 A I think we were all significantly trying to help</p>	<p style="text-align: right;">63</p> <p>1 Assessors did not want to have contact with you</p> <p>2 anymore. Can you recall that?</p> <p>3 MR. CULLEN: Objection to form.</p> <p>4 MS. FEENEY: Object to form.</p> <p>5 A With me?</p> <p>6 Q Yes.</p> <p>7 MS. FEENEY: Your question was that the</p> <p>8 Assessors didn't want to have contact with my</p> <p>9 client?</p> <p>10 Q No. I'm sorry, the Assessors did not want to</p> <p>11 have contact with Laurie Ortolano.</p> <p>12 MS. FEENEY: That's not what your question</p> <p>13 was. Let's just do it over and get it right.</p> <p>14 Q Do you recall at some point that the Assessors</p> <p>15 came to you and told you that they did not want</p> <p>16 to have contact with Laurie Ortolano anymore?</p> <p>17 A Yes.</p> <p>18 Q Thank you. Do you remember what spurred that?</p> <p>19 A Yes.</p> <p>20 Q What was it?</p> <p>21 A There had been a number of ethics violations</p> <p>22 filed with the Department of Revenue on various</p> <p>23 Assessors by Ms. Ortolano.</p>
<p style="text-align: right;">62</p> <p>1 the best we could, but we were under a</p> <p>2 significant amount of pressure to complete the</p> <p>3 work, including the Right-to-Know requests.</p> <p>4 Q Did you feel that Ms. Ortolano had ill feelings</p> <p>5 toward you or anyone in the Assessing Office?</p> <p>6 A Yes. I did. I think they were publicly said at</p> <p>7 Board of Aldermen meetings. Yes.</p> <p>8 (Exhibit 7 marked for identification)</p> <p>9 Q You recognize this document?</p> <p>10 A Yes.</p> <p>11 Q Can you just read it for me, please?</p> <p>12 A The email is from Laurie Ortolano to me. Kim,</p> <p>13 thanks so much for some of your time. I dropped</p> <p>14 in unscheduled and really appreciate you taking</p> <p>15 the time to speak with me. Your efforts have</p> <p>16 not gone unnoticed. This was and is a big task</p> <p>17 and I know you're working to move the city in</p> <p>18 the right direction. The Mayor is lucky to have</p> <p>19 you. Laurie.</p> <p>20 Q Do you recall seeing that?</p> <p>21 A I do.</p> <p>22 Q In '19. Thank you. So at some point, I believe</p> <p>23 this was early in 2020 you announced that the</p>	<p style="text-align: right;">64</p> <p>1 Q Do you recall specifically which members of the</p> <p>2 Assessing Department were involved?</p> <p>3 A Had violations?</p> <p>4 Q Yes.</p> <p>5 A So Greg Turgiss and Gary Turgiss. I'm not sure</p> <p>6 on Mike Mandile. Both the Turgisses.</p> <p>7 Q So Ms. Ortolano filed ethics violations or filed</p> <p>8 something with the State or the Department of</p> <p>9 Revenue about both Turgisses?</p> <p>10 A Yes.</p> <p>11 Q Okay. Anybody else that you recall?</p> <p>12 A I believe there was another resident who did</p> <p>13 file complaints as well.</p> <p>14 Q Okay. And do you recall who that was?</p> <p>15 A Ms. Laura Colquhoun.</p> <p>16 MS. FEENEY: Kurt, just before you get into</p> <p>17 the questions, Exhibit 8, does the enclosure</p> <p>18 letter which cites a list of things enclosed,</p> <p>19 are all of those attached to this exhibit?</p> <p>20 MR. OLSON: They are not.</p> <p>21 MS. FEENEY: So Exhibit 8 is a January 23,</p> <p>22 2020, letter to Attorney Lehmann, but all the</p> <p>23 itemized enclosures are not attached to Exhibit</p>

<p>77</p> <p>1 A I decided that my career choice was to work for</p> <p>2 a smaller town with significant work challenges</p> <p>3 in different areas, yes.</p> <p>4 Q Okay. Thank you.</p> <p>5 (Recess taken 12:36 - 12:47 p.m.)</p> <p>6 Q Sorry to take you back in time, but I'd like to</p> <p>7 return to October of 2019. Recall an incident</p> <p>8 involving a person who was allegedly</p> <p>9 impersonating a assessor from Nashua? I'll help</p> <p>10 you a little bit. Gary Turgiss supposedly</p> <p>11 reported this based on some information he had</p> <p>12 received from a homeowner as he was doing</p> <p>13 Assessments or driving around town to assess</p> <p>14 properties.</p> <p>15 A Very roughly.</p> <p>16 Q Sure. Okay. We'll mark the next one.</p> <p>17 (Exhibit 12 marked for identification)</p> <p>18 Q For the benefit of the people Zooming in, this</p> <p>19 is a four-page exhibit consisting of Nashua</p> <p>20 Police Department report from October 31st,</p> <p>21 2019.</p> <p>22 MS. FEENEY: Is Page 241 supposed to be</p> <p>23 missing?</p>	<p>79</p> <p>1 responsible for reaching out to the police?</p> <p>2 A No. No. I mean, normal protocol would be for</p> <p>3 the Assessors or the Assessor employees to come</p> <p>4 to me.</p> <p>5 Q Okay.</p> <p>6 A And normally I would contact the Chief.</p> <p>7 Q So at this point -- I'm sorry.</p> <p>8 A I don't know.</p> <p>9 Q Okay. So in the middle of the second paragraph</p> <p>10 that begins with in speaking with Kleiner. Do</p> <p>11 you see that one?</p> <p>12 A Yes.</p> <p>13 Q At the end of that same paragraph it says that</p> <p>14 Kleiner said that the description the resident</p> <p>15 provided Gary of this female matched that of</p> <p>16 Nashua resident Laurie Ortolano. Did I read</p> <p>17 that accurately?</p> <p>18 A That's what it says.</p> <p>19 Q Okay. And do you have any recollection of</p> <p>20 saying that the description provided by Gary --</p> <p>21 A I don't.</p> <p>22 Q You were aware of Ms. Ortolano's appearance at</p> <p>23 that time, right?</p>
<p>78</p> <p>1 MR. OLSON: Yes.</p> <p>2 MS. FEENEY: Okay.</p> <p>3 A Yeah.</p> <p>4 Q I kept trying to reduce the number of pages so I</p> <p>5 wouldn't have to carry two copy boxes.</p> <p>6 A Okay.</p> <p>7 Q All set?</p> <p>8 A Yes.</p> <p>9 Q Okay. So does this refresh your recollection</p> <p>10 about that incident?</p> <p>11 A Yes.</p> <p>12 Q Okay. So at the beginning it says on October</p> <p>13 31st, 2019, at approximately 0916 hours,</p> <p>14 Detective Lieutenant Mederos informed me that</p> <p>15 the Nashua Assessing Department had received</p> <p>16 information of someone possibly impersonating a</p> <p>17 Nashua Assessing Department Assessor.</p> <p>18 Do you remember if that was you who reached</p> <p>19 out to Lieutenant Mederos or possibly Detective</p> <p>20 Lombardi since he's the one that did the report?</p> <p>21 A I don't recall if I was. I do recall him</p> <p>22 contacting me, but I don't recall.</p> <p>23 Q Would someone else associated with Assessing be</p>	<p>80</p> <p>1 A Yes.</p> <p>2 Q And you knew that she wasn't blond, correct?</p> <p>3 A Yes.</p> <p>4 Q So the description of this blond woman in a</p> <p>5 white sedan would probably not have been Ms.</p> <p>6 Ortolano?</p> <p>7 MS. FEENEY: I'm going to object to your</p> <p>8 form.</p> <p>9 Q Thank you.</p> <p>10 A What's the question?</p> <p>11 Q So the question is --</p> <p>12 MS. FEENEY: Everybody stop talking.</p> <p>13 Question, answer, please.</p> <p>14 Q Sure. So the question is you would have been</p> <p>15 aware at that time that a woman with short blond</p> <p>16 hair driving a white seDan was likely not Mrs.</p> <p>17 Ortolano.</p> <p>18 A I'm not sure that I was aware that it was blond</p> <p>19 hair.</p> <p>20 Q Okay. I think earlier in the very first page it</p> <p>21 says that you said to Detective Lombardi the</p> <p>22 description of the resident provided Gary of</p> <p>23 this female matched that of Nashua resident</p>

<p style="text-align: right;">97</p> <p>1 A Because Mr. Feoli sent me an email that is</p> <p>2 addressed to the Board of Aldermen, and I felt</p> <p>3 obligated to deliver.</p> <p>4 Q Okay. Thank you.</p> <p>5 So the last series of questions for you</p> <p>6 concern these last two documents.</p> <p>7 (Exhibit 18 marked for identification)</p> <p>8 (Laurie Ortolano enters deposition by Zoom)</p> <p>9 Q All set?</p> <p>10 A Yes. I mean I haven't read it word for word.</p> <p>11 MS. FEENEY: Let's wait for the question,</p> <p>12 and then if you need more time to read it we can</p> <p>13 take a moment.</p> <p>14 Q I actually am just going to be referring you to</p> <p>15 one small section so it's probably best you</p> <p>16 don't read the whole thing. If you would turn</p> <p>17 to page 2 of the document?</p> <p>18 A Okay.</p> <p>19 Q So we referenced this particular provision of</p> <p>20 the Canon of Ethics earlier. ER 1-4. That's in</p> <p>21 the middle of the page there. And could you</p> <p>22 read that for us, please? Just that paragraph?</p> <p>23 A ER 1-4, Members must make available all public</p>	<p style="text-align: right;">99</p> <p>1 A Yes.</p> <p>2 Q And in Exhibit 2, your decision. I believe you</p> <p>3 wrote those agendas, right?</p> <p>4 A Yes. I did.</p> <p>5 Q So in Exhibit 2, what you do is direct the</p> <p>6 Assessors not to even speak with Ms. Ortolano,</p> <p>7 correct?</p> <p>8 MR. CULLEN: Objection to form.</p> <p>9 MS. FEENEY: I'll join that objection. You</p> <p>10 can answer.</p> <p>11 A So I do acknowledge that they would not like to</p> <p>12 speak with her and to write down the questions</p> <p>13 and they will be answered. Yes. So I believe</p> <p>14 the resident is getting the information although</p> <p>15 it may not directly be coming out verbally from</p> <p>16 those Assessors' mouths at that precise moment.</p> <p>17 Q So I guess I'd just like to clarify because I</p> <p>18 believe you said that the Assessors going</p> <p>19 forward, Mike, Gary, and Greg, three Assessors,</p> <p>20 right? I think you said would not like to speak</p> <p>21 with Ms. Ortolano. This is actually a directive</p> <p>22 from you, right?</p> <p>23 A Yes.</p>
<p style="text-align: right;">98</p> <p>1 records in their custody for public review,</p> <p>2 unless access to such records is specifically</p> <p>3 limited or prohibited by law, or the information</p> <p>4 has been obtained on a confidential basis and</p> <p>5 the law permits such information to be treated</p> <p>6 confidentially.</p> <p>7 Q Okay. And if we go back to Exhibit 2, the one</p> <p>8 that had the agendas, beginning on April 1st,</p> <p>9 2019? And then there's another one from April</p> <p>10 8. Looks like that.</p> <p>11 MS. FEENEY: Exhibit 2?</p> <p>12 Q Yes. That's it.</p> <p>13 MS. FEENEY: And what was the other one</p> <p>14 you'd like?</p> <p>15 Q That's it.</p> <p>16 MS. FEENEY: I'm sorry. I missed the</p> <p>17 question in all of that.</p> <p>18 MR. OLSON: I didn't actually ask one yet.</p> <p>19 MS. FEENEY: Good.</p> <p>20 Q If you look at ER 1-4, talks about the</p> <p>21 obligation of Assessors to make documents,</p> <p>22 public documents available to citizens,</p> <p>23 taxpayers, correct?</p>	<p style="text-align: right;">100</p> <p>1 Q And those three will not speak to Ms. Ortolano.</p> <p>2 MS. FEENEY: I don't understand your</p> <p>3 question. If you could try again.</p> <p>4 MR. OLSON: I just wanted to clarify</p> <p>5 because --</p> <p>6 MS. FEENEY: I understand. Go ahead.</p> <p>7 Q What you said was that going forward Mike, Gary</p> <p>8 and Greg would not like to speak to Ms.</p> <p>9 Ortolano. Correct?</p> <p>10 MS. FEENEY: I'm going to object to your</p> <p>11 form. Testimony will speak for itself.</p> <p>12 Q Okay. But what the document actually says is</p> <p>13 going forward Mike, Gary, and Greg will not</p> <p>14 speak with Ms. Ortolano?</p> <p>15 A That is what the document says.</p> <p>16 Q And that was a directive from you, correct?</p> <p>17 A Yes.</p> <p>18 Q Okay. So under those circumstances, are you</p> <p>19 telling the Assessors, Mike, Greg, and Gary, to</p> <p>20 violate that ethical provision, ER 1-4?</p> <p>21 A No. I don't believe I am.</p> <p>22 Q Okay.</p> <p>23 A I believe I'm protecting my employees.</p>